APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,392	01/18/2000	Leonard H. Lopez Jr.	1036.1140	3110

7590 02/26/2004	EXAMINER
GUNN, LEE & HANOR, P.C.	ZURITA, JAMES H

700 North St. Mary's Street	ART UNIT	PAPER NUMBER
Suite 1500	3625	
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DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No. 09/487,392	**Applicant(s)** LOPEZ JR., LEONARD H.
Office Action Summary	**Examin r** James H Zurita	**Art Unit** 3625 MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 Novbember 2003</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 4-24</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1 and 4-24</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24

November 2003 has been entered.

Response to Amendment

Applicant amendment of 24 November 2003 added claims 21-24, and cancelled

claims 2 and 3.

Claims 1, 4-24 are pending and will be examined.

Response to Arguments

Rejection of claim 8 under first paragraph of 112 is withdrawn in view of

applicant's amendment of claim 8.

Applicant's arguments with respect to rejections of claims 1, 4-40 over Sevcik

have been considered but are moot in view of the new ground(s) of rejection.

Applicants' arguments and comments do not traverse what Examiner regards as

knowledge that would have been generally available to one of ordinary skill in the art at

the time the invention was made. A "traverse" is a denial of an opposing party's

allegations of fact.[1] Even if one were to interpret applicants' arguments and comments

as constituting a traverse, applicants' arguments and comments do not constitute an

adequate traverse because applicant has not specifically pointed out the supposed

errors in the examiner's action, which would include stating why the noticed fact is not

considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2),

MPEP 707.07(a). An adequate traverse must contain adequate information or

argument to create on its face a reasonable doubt regarding the circumstances

justifying Examiner's notice of what is well known to one of ordinary skill in the art. In re

Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

If applicant does not seasonably traverse the well known statement during

examination, then the object of the well known statement is taken to be admitted prior

art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). MPEP 2144.03

Reliance on Common Knowledge in the Art or "Well Known" Prior Art. In view of

applicant's failure to adequately traverse official notice, at least the following are

admitted prior art::

- The inclusion of command sets may permit quicker processing of estimates because a printer knows that the data that forms part of the order may already includes some of a printer's own information. This information may allow centralized sites to send information that has already been verified as correct. This may reduce the amount of validation needed at a vendor, thereby reducing turn-around time for an estimate. Because a printer may provide estimates for orders more quickly than competitors, a printer is more likely to win a company's order, thereby making more money.

- Pre-press products may be command sets for direct-to-plate systems and for copier systems. Pre-press product may differ depending on the type of system being used to produce a print product. One of ordinary skill in the art at the time the invention was made would have known that it is customary to send direct-to-plate command sets to systems that require plates. Alternatively, one of ordinary skill in the art at the time the invention was made would have known to send copier command sets to systems that produce printed products via electronic copiers.

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[1] Definition of Traverse, Black's Law Dictionary, "In common law pleading, a traverse signifies a denial."

- Scripting environments are well known to persons of ordinary skill in the art (see application, page 5, lines 7-8). In addition, scripting may be implemented with a server-side scripting language such as ACTIVE SERVER PAGES, from MICROSOFT.

- One of ordinary skill in the art at the time the invention was made would have known to use HTML and scripting languages on the Internet. Scripting languages may be used on both a client-side and on a server-side of a network. On a server, scripts may be coded to merge some or all of the data received from a client to other data that already exists on any of a server's databases.

- By using HTML and scripts, one can produce user-friendly interfaces that encourage users to engage in on-line ordering. By having user-friendly interfaces that prompt users, users may find their work more pleasant. Businesses that provide user-friendly interfaces may find increased use brings more business and more money.

- Pre-press product is different depending on the type of system being used to produce the print product. It is customary to send direct-to-plate command sets to systems that require plates. One of ordinary skill in the art at the time the invention was made would have known to send copier command sets to systems that produce printed products via electronic copying machines.

- Printing professionals use different types of hardware and software for printing. The machines vary according to manufacturer and model. Printing machines may have different versions of software, since software professionals produce newer and more sophisticated systems on a regular basis. The variety in hardware and software allows a more competitive market place, which produces benefits for consumers and producers alike.

- One of ordinary skill at the time the invention was made would have known that typographical information includes tracking, kerning, text and graphics adjustment data. Without information such as font size, font type, characters per inch, fixed or variable text size, image size and placement, one of ordinary skill in the art of printing and typesetting may have insufficient details to produce printed product,.

- If a print provider does not obtain sufficient information to produce a pleasing printed product according to specific guidelines, the print provider may lose customers, since customers may be very disappointed in the items they receive. Lost customers often means lost business and lost revenue. Providing pleasing, accurate products according to specifications may produce happy customers who will bring back repeat business and recommend the particular print provider to others.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims 1, 4-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Klatt et al. (US 6,473,760).

The Examiner respectfully notes that he cites particular columns and line

numbers in the references as applied to the claims below for the convenience of the

applicant. Although the specified citations are representative of the teachings in the art

and are applied to the specific limitations within the individual claim, other passages and

figures may apply as well. It is respectfully requested that, in preparing responses, the

applicant fully consider the references in entirety as potentially teaching all or part of the

claimed invention, as well as the context of the passage as taught by the prior art or

disclosed by the examiner.

Klatt discloses methods and systems for fulfillment of institutional business card

and stationery product orders, including the steps of:

Providing a set of printable stationery products. See, for example, references to

business-cards and other stationery products, at least in Col. 1, lines 16-27, Col. 11,

lines 8-19).

Customizing and generating a company-tailored prototypical product

record comprising one or more template(s) (e.g., item 1504) to define informational

elements and the placement and typography for printing a stationery product (such as a

business card or envelope). See, for example, Fig. 6 and related text and references to

schemas and records tailored to Company-X and to Company-Y. Each record may

contain information tailored to a particular institution. Company-tailored prototypical

product records may consist of templates to define placement and typography of a

plurality of informational elements for printing on a company-tailored business card or

stationery product. See, for example, references to pre-defined business card styles for

particular establishments, at least in Col. 7, lines 48-67. See also Col. 19, lines 42-54,

which shows that formatting information, such as shape, color and other parameters of

a business card may be specified for each type of a business card in an establishment.

See also references to company tailored product records that may be generated for

particular occasions, including special sets of business cards and stationery items, at

least Col. 11, lines 8-19.

Collecting and providing Informational elements and content – For example,

see, at least references to event data, Col. 5, lines 43-55. See fields list, for example,

Fig. 6. For company-indicative informational elements, including at least one of which

identifies a specific organization, see at least references to title, name of company, etc.,

Col. 10, line 42-Col. 11, line 19. For user-indicative information, see references to

employee name or title of the employee, for example. For graphical representation of

business organization logos, see at least Col. 8, line 60-Col. 9, line 13.

Order entry- providing a requestor interface for entry of a distributed user's print

order. See, for example, references to a user creating an order for a print product using

ordering computers, at least Col. 1, lines 30-53. See also references to creating orders

for print products, at least Col. 11, lines 8-60.

Selecting and ordering - Adapting requestor interface(s) to enable a user to

select and order company-tailored prototypical product record for a business card to be

printed according to the company-tailored product record and contents (such as stored

in the schema records see in Fig. 5, for example, employee name) of a profile

(applicant's predeterminable profile).

directly generating a pre-press product automatically merging and incorporating

the profile data into the tailored product. See, for example, references to imaging

setting systems and interfaces. Image setters (item 110, for example) and imaging

systems (item 208, for example) are devices that generate plates or other medium

(binary instruction sets and command sets) that can be **automatically generated** and

directly used by a printing press to produce a printed product. See ate least Col. 1,

lines 53-64, Col. 7, lines 7-19.

Klatt discloses that users may use interfaces for defining first sets of rules, i.e.,

prototypical rules, such as for new employees, for example, Col. 2, lines 56-63. Klatt

discloses the use of various interfaces for generating one or more of a plurality of

company-tailored prototypical product records (such as a record for a business card, for

example, or record for envelopes, or other type of stationery, see for example, Col. 11,

lines 28-63). Each record may contain a list of fields. Generating each company-

tailored prototypical product records may **comprise** defining a plurality of informational

elements including fields (such as employee name field, employee title field, in Fig. 6,

for example). These fields are adapted to be filled with content defined by a plurality of

profiles (for example, creating lists of new employees, at least Col. 5, lines 6-55).

Klatt does not specifically disclose that a requestor interface may comprise a

server-side scripting environment (claim 13). Klatt discloses that monitors and event

detectors may be located on either client side or server side. See, for example, Col. 8,

lines 12-59. Klatt discloses that software may be tailored to a company's database

server, whose data can be sent over the Internet to a print facility. Editing and

validation may be done on a server-side or on a client-side. As noted previously, these

and other functions may be executed with scripting languages. As applicant admits,

scripting environments are well known to persons of ordinary skill in the art (see

application, page 5, lines 7-8). In addition, scripting may be implemented with a server-

side scripting language such as ACTIVE SERVER PAGES, from MICROSOFT.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to extend Klatt to include a server-side scripting environment. One

of ordinary skill in the art at the time the invention was made would have been

motivated to extend Klatt to include a server-side scripting environment for the obvious

reason that on the Web, scripts are commonly used to customize or add interactivity to

Web pages, and permits users to adapt pages to prefill some fields, for eample.

Klatt **does not** disclose that pre-press product comprises a copier command set

(claim 16). Klatt discloses that a printer may be selected according to various criteria,

including geographical proximity, or specialization. Klatt discloses sending print orders

to local print shops or copy stores. See, for example, Col. Line 30-53. It was well

known to those of ordinary skill at the time the invention was made to send copier

command sets to systems that produce printed products via electronic copying

machines, such as may be found in a copy store. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine Klatt and

knowledge generally available to those of ordinary skill in the art at the time the

invention was made to disclose sending pre-press product comprising copier command set to a copy store, for example.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Klatt and knowledge generally available to those of ordinary skill in the art at the time the invention was made to disclose sending pre-press product comprising copier command set to a copy store, for the obvious reason that copier stores may have copying machines and these copying machines may require copier command sets to produce a print product.

Klatt does not disclose that his template(s) or records or profiles contain information concerning placement, tracking, kerning and text adjustment for specific company tailored products. Klatt discloses layout computers that may be used to lay-out the content within space and style constraints of a print medium. Klatt discloses that printed products and data content for each product may be mapped to one or more fields at a print facility (which requires pre-press product, including kerning, etc.). The product prototype and template may define common fields. Similarly, formatting information may be specified, such as size, shape, and *other parameters*. Klatt discloses the use of conventional software packages such as QUARK to perform placement, tracking, kerning and text adjustment for specific products, prior to creation of a pre-press product. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Klatt and knowledge generally available to one of ordinary skill in the art at the time the invention was made to disclose permitting

users to provide other tracking information such as kerning, placement, tracking and text adjustment. See also at least Col. 15, lines 7-40.

One of ordinary skill in the art at the time the invention was made to would have been motivated to combine Klatt and knowledge generally available to one of ordinary skill in the art at the time the invention was made to disclose permitting users to provide other tracking information such as kerning, placement, tracking and text adjustment for the obvious reason that personalized and marketing materials often require fitting text to physical size product. A business card, for example, may use smaller size font than a letterhead. Similarly, different companies may require printing a different logo on different products. Text, position, etc. may need to be adjusted accordingly, to produce a pleasing, professional overall effect.
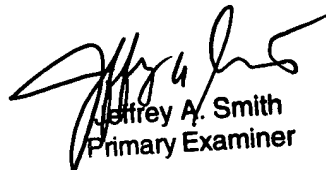
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

James Zurita
Patent Examiner
Art Unit 3625
27 February 2004

Jeffrey A. Smith
Primary Examiner